IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17468 of 2004

Between:

M. Sudershan Reddy, S/o. M. Narayana Reddy,
Diet Contractor, District Hospital, Mahabub Nagar, R/o. S.S. Gutta,
Mahabub Nagar District.

..... PETITIONER

AND

1 The Principal Secretary, Medical and Family Welfare (CI) Department,
Secretariat Buildings, Hyderabad.
2 The Commissioner, A.P. Vaidya Vidhana Parishad, Sultan Bazar,
Hyderabad.
3 The District Coordinator of Hospital Services, Mahabub Nagar District.
4 The Medical Superintendent, District Hospital, Mahabub Nagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, Writ or Writs, particularly one in the nature of "WRIT OF MANDAMUS" and declare the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.255, Health, Medical and Family Welfare (CI) Department dt. 20-6-2003, is as illegal, arbitrary and against the law laid down by Divisional Bench of this Hon'ble Court in W.A.No.280 of 2000 and batch, and consequently direct the respondents to pay the enhanced diet charges as per G.O.Ms.No. 255, Health, Medical and Family Welfare (CI) Department dt. 20-6-20032 w.e.f. from 20-6-2003

Counsel for the Petitioner:MR.G.BUCHAIAH GOUD

Counsel for Respondent No.1: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for Respondents 2 to 4: Sri K.L.N. Swamy

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner, learned Government Pleader appearing for the first respondent and Sri K.L.N.Swamy, Standing Counsel appearing on behalf of respondents 2 to 4. At the request of the learned counsel on either side, the writ petition is taken up for disposal at the admission stage.

The petitioner is a diet contractor supplying food to the patients in the hospital under the control of the second respondent. In pursuance of the orders of the Government in G.O.Ms.No.257, dated 31.05.1995, the petitioner is being paid Rs.10/- and Rs.15/- per head for supply of meal for general and T.B. patients respectively. Subsequently, due to hike in prices, the petitioner submitted a representation to the Government and the Government through G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20.06.2003, enhanced the rate of the meal of the general inpatients from Rs.10/- to Rs.15/- and Rs.15/- to Rs.20/- for the T.B. patients. The said G.O. came into effect immediately. The petitioner complains that the second respondent is not paying enhanced rates sanctioned under G.O.Ms.No.255. Hence, he seeks direction to the second respondent to pay the enhanced rate for the meal that is being supplied by him.

A Division Bench of this Court, through its order dated 19.07.2001 passed in W.A.No.280 of 2000 and batch, resolved the conflict by accepting the proposition that G.O.Ms.No.257 dated 31.05.1995 came into effect from 01.04.1995 and the consequential escalation charges have to be paid to the writ petitioners-diet contractors.

In the light of the circumstances explained by the petitioner, the second respondent is directed to implement the G.O.Ms.No.255, Health, Medical and Family Welfare (C1) Department, dated 20.06.2003, if it is in force and pay the enhanced rates within two months from the date of receipt of a copy of this order, by extending the benefit of enhanced rate from the date of the said G.O., if necessary by addressing the Government for release of necessary funds.

The writ petition is accordingly disposed of.

29.09.2004

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To

1. The Principal Secretary, Medical and Family Welfare (CI) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner, A.P. Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3. The District Coordinator of Hospital Services, Mahabub Nagar District.
4. The Medical Superintendent, District Hospital, Mahabub Nagar District.

5. Two Ccs. to G.P. for Medical, Health and Family Welfare, High Court Buildings, Hyderabad (OUT)

6. Two CD copies.